

PATENT  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REMARKS

The Examiner rejected claims 168 and 287 under 35 U.S.C. 103(a) as being unpatentable over Wellner U.S. Patent No. 5,640,193 (hereinafter referred to as "Wellner") in view of Ruppert et al. U.S. Patent No. 5,424,524 (hereinafter referred to as "Ruppert") and Schwab U.S. Patent No. 6,226,412 (hereinafter referred to as "Schwab"). Similarly, the Examiner rejected claim 171 under 35 U.S.C. 103(a) as being unpatentable over Wellner in view of Ruppert, Schwab, and Hidary et al. U.S. Patent No. 5,774,664 (hereinafter referred to as "Hidary"). Finally, the Examiner rejected claims 169-170, 172-286, and 288-292 under 35 U.S.C. 103(a) as being unpatentable over Wellner in view of Ruppert, Schwab, Hidary, Shachar U.S. Patent No. 6,012,102 (hereinafter referred to as "Shachar"), Veeneman et al. U.S. Patent No. 5,774,874 (hereinafter referred to as "Veeneman"), Montanari et al. U.S. Patent No. 5,478,990 (hereinafter referred to as "Montanari"), and Dudle et al. U.S. Patent No. 5,570,291 (hereinafter referred to as "Dudle").

Applicant has amended claim 168 to add "material" and "machine recognizable" which were inadvertently omitted from the

**PATENT**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

originally submitted claim 168. Additionally, Applicant has amended claims 185 and 187 to eliminate the informalities. Applicant respectfully submits that the claims are now in proper form.

Additionally, Applicant thanks the Examiner for granting a September 9, 2002 telephone interview with the Applicant. As agreed, Applicant has amended the specification to properly cross reference related applications and to claim the May 25, 1994 filing date of the '799 application. An effective filing date of May 25, 1994 predates the filing date of Wellner, Schwab, Hidary, Shachar, Veeneman, and Dudle, which were relied upon by the Examiner for the 35 U.S.C. 103(a) rejections. In addition, the May 25, 1994 filing date predates the filing dates of all references cited in the Notice of References Cited with the exception of the following seven references: Poland U.S. Patent No. 4,825,058 (hereinafter referred to as "Poland"); Blanford U.S. Patent No. 4,868,375 (hereinafter referred to as "Blanford"); Kouchi et al. U.S. Patent No. 5,541,394 (hereinafter referred to as "Kouchi"); Beasley U.S. Patent No. 5,590,173 (hereinafter referred to as "Beasley"); Rozmanith et al. U.S.

**PATENT  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent No. 5,185,857 (hereinafter referred to as "Rozmanith"); and the aforementioned Ruppert and Montanari. Consequently, all references cited by the Examiner, with the exception of the seven aforementioned patents, are not proper references against this application.

Regarding the seven remaining references, five of the remaining references (i.e., Poland, Blanford, Kouchi, Montanari, and Ruppert) relate to traditional bar code systems -- not the present invention, wherein a machine recognizable feature contained within a printed matter is utilized to access programming material. In fact, none of the references disclose any method for accessing programming material. Additionally, pending claims 168-196, 200-270, 287-288, and 290-291 do not claim use of a bar code system or bar code system components. Regarding the remaining two references, Beasley discloses a method for transmitting signals between a cordless telephone antenna and its respective telephone base and Rozmanith merely discloses an information system which is part of a transportation vehicle. Neither Beasley nor Rozmanith relate to the present invention, wherein a machine recognizable feature contained

**PATENT**  
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

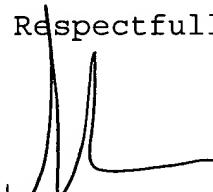
within a printed matter is utilized to access programming material. Consequently, Applicant submits that the present invention is distinguished over the remaining seven references.

In light of the foregoing amendments and remarks, Applicant submits that claims 168-292 are in condition for allowance.

**CONCLUSION**

In view of the foregoing, Applicant respectfully submits that the present invention represents a patentable contribution to the art and the application is in condition for allowance. Early and favorable action is accordingly requested.

Respectfully submitted,

  
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